

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48393 of 2017

Arising Out of PS.Case No. -142 Year- 2017 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Bijay Tiwary, Son of Late Dashrath Tiwary,
 2. Gajendra Tiwary, Son of Late Dashrath Tiwary,
 3. Pappu Tiwary, Son of Late Dashrath Tiwary,
 4. Ram Ashis Singh Kushwaha @ Ram Ashis Kushwaha, Son of Shiv Nath Kushwaha,
 5. Kashi Nath Singh, Son of Raj Muni Singh,
 6. Om Prakash Singh, Son of Raj Muni Singh,
 7. Keshwar Rai @ Raj Keshwar Rai, Son of Ganesg Rai, null
 8. Rama Shray Rai, Son of Ganesg Rai, All resident of Village- Dangari, P.S.- Kudra, District- Kaimur at Bhabua.
 9. Din Dayala Bind @ Din Dayal Bind, Son of Late Chandra Deo Bind,
 10. Bachhu Bind @ Bachanu Bind, Son of Late Chandra Deo Bind,
 11. Ram Shankar Bind, Son of Late Sudarshan Bind,
 12. Shiv Mandil Bind, Son of Late Sudarshan Bind,
 13. Sukalu Bind, Son of Late Ramdhari Bind, All resident of Village- Bishunpura, P.S.- Kudra, District- Kaimur at Bhabua.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Adv.
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 16-10-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Kudra P.S. Case No. 142 of 2017, registered under Sections 188 and 406 of the Indian Penal Code.

The accusation is that in Miscellaneous Case no. 77 of 2015-16 (Gajendra Kumar Tiwary & ors. Versus the State of Bihar & another) in respect to 48.90 acres of land of Khata Nos. 76 and 77 of village Dungari, the District Collector, Kaimur (Bhabua) passed the order that the farmers, including the petitioners, who have cultivated



on the disputed land have to deposit Rs. 5000/- each in the Treasury, but the said order has not been complied and the cultivation is also being done by the petitioners and others on the disputed land.

Learned counsel for the petitioners submits that, in fact, the order in respect of land, in dispute, was passed by the consolidation authority in favour of Gajendra Kumar Tiwary for which he filed the Miscellaneous Case No. 77 of 2015-16 before the District Magistrate in which the order was passed to deposit Rs. Five thousand each acre by the petitioners and others, but the consolidation order was challenged in C.W.J.C. No. 17552 of 2012, which was disposed on 26.09.2014 giving stay order of the consolidation and remanded the matter before the BLT, where the matter is still pending for disposal. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Kaimur at Kudra in connection with Kudra P.S. Case No.142 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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